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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,297	09/19/2003	Antti Vaha-Sipila	915-008.014	8405

4955 7590 01/09/2007	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP	GERGISO, TECHANE	
BRADFORD GREEN, BUILDING 5	ART UNIT	PAPER NUMBER
755 MAIN STREET, P O BOX 224 MONROE, CT 06468	2137	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/667,297	VAHA-SIPILA, ANTTI
	Examiner	Art Unit	
	Techane J. Gergiso	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *October 16, 2006.*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *20-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *20-23* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This is a Final Office Action in response to the applicant's election with amendment filed

on October 16, 2006. Applicant's election is to the restriction requirement the Office

mailed out on September 22, 2006 and the restriction was based on the applicant's

response to the non-Final First Office Action mailed on March 21, 2006. On the

applicant's election filed on October 16, 2006, the applicant canceled claims 1-19 and

elected claim group 4 (claims 20-23) without traverse.

2.   Claims 20-23 have been examined.

3.   Claims 20-23 are pending.

Claim Objections

4.   Claims 20-23 are objected to because of the following informalities: Each and every

specific limitations in the claims need to be clearly identified by separating them using

semicolon and tab. Appropriate correction is required.

5.   Claim 20 is objected to because of the following informalities: The preamble is not

distinguished from preamble. Appropriate correction is required. Appropriate correction is

required.

6.   Claim 22 is objected to because of the following informalities: The examiner suggests An

apparatus instead of "Apparatus" in the preamble. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

8.   Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jobst et al.

(hereinafter referred to as Jobst; US Pat No.: 6,707,915 B1) in view of Hurts et al. (hereinafter

referred to as Hurts; US Pat. No.: 2003/0224823 A1).

As per claim 20:

Jobst discloses a method for enabling integrity checking of a software module to be used

in a mobile communication terminal,

said terminal capable of communicating in a mobile communication system (column 2:

lines 14-19), allowing the software module to take control of the terminal, the

terminal communicates via the mobile communication system with a software

provider (figure 5: 1,35, 41); said communication including transmitting by said

terminal of identifying information concerning said terminal and said memory

unit to said software provider and receiving by said terminal a digitally signed

data block comprising (column 2: lines 5-9; figure 36; figure 6: 102, 104); and

a reference value for use during integrity checking of said software module and allowing

the software module to take control of the terminal only if the integrity of the

software module properly checks (figure 7: 205-210; column 1: lines 51-67;

column 2: lines 1-19).

Jobst does not explicitly disclose said software module already stored on a removable

memory unit connected to the terminal and ready for use. Hurts, in analogous art, however

disclose said software module already stored on a removable memory unit connected to the

terminal and ready for use (Figure 7: 700A; 0008; 0009). Therefore, it would have been obvious

to a person having ordinary skill in the art at the time the invention was made to modify the

system disclosed by Jobst to include said software module already stored on a removable

memory unit connected to the terminal and ready for use. This modification would have been

obvious because a person having ordinary skill in the art would have been motivated to do so to

provide over-the-air activation of protected content pre-programmed on a memory device that is

operable on mobile terminals as suggested by Hurts in (0008).

As per claim 21:

Jobst discloses a method, comprising:

hashing the software module, resulting in a first hash value, wherein said transmitting of

identifying information comprises transmitting a first identifier, associated with

the memory unit, a second identifier, associated with the terminal and the first

hash value via the mobile communication system to said software provider

(Column 2, lines 20-33, lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50; Figure 8: 60, 61, 62);

receiving, from the software provider, a data block comprising a digital signature and further data associated with the memory unit and the terminal (Column 2: lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50); and

analyzing the received data block, comprising verification of the digital signature and comparison of said further data with said first and second identifiers, and storing the received data block comprising the digital signature, thereby providing a reference value for use during integrity checking of said software module (Column 2: lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50).

As per claim 22:

Jobst discloses an apparatus, comprising:

a device for enabling integrity checking of a software module (column 2: lines 14-19), to be used in a mobile communication terminal, said terminal capable of communicating in a mobile communication system, allowing the software module to take control of the terminal, the terminal communicates via the mobile communication system with a software provider (figure 5: 1,35, 41), said device including (column 2: lines 5-9; figure 36; figure 6: 102, 104); and

a transmitter for transmitting identifying information concerning said terminal and said memory unit to said software provider and a receiver for receiving a digitally signed data block comprising a reference value for use during integrity checking

of said software module and allowing the software module to take control of the

terminal only if the integrity of the software module properly checks (figure 7:

205-210; column 1: lines 51-67; column 2: lines 1-19; column 2: lines 5-9; figure

36; figure 6: 102, 104).

Jobst does not explicitly disclose said software module already stored on a removable

memory unit connected to the terminal and ready for use. Hurts, in analogous art, however

disclose said software module already stored on a removable memory unit connected to the

terminal and ready for use (Figure 7: 700A; 0008; 0009). Therefore, it would have been obvious

to a person having ordinary skill in the art at the time the invention was made to modify the

system disclosed by Jobst to include said software module already stored on a removable

memory unit connected to the terminal and ready for use. This modification would have been

obvious because a person having ordinary skill in the art would have been motivated to do so to

provide over-the-air activation of protected content pre-programmed on a memory device that is

operable on mobile terminals as suggested by Hurts in (0008).

As per claim 23:

Jobst discloses an apparatus, further comprising:

a device for hashing the software module, resulting in a first hash value, wherein said

transmitting of identifying information comprises transmitting a first identifier

associated with the memory unit, a second identifier, associated with the terminal

and the first hash value via the mobile communication system to said software

provider (Column 2, lines 20-33, lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50; Figure 8: 60, 61, 62);

a device for receiving, from the software provider, a data block comprising a digital signature and further data associated with the memory unit and the terminal (Column 2: lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50); and

a device for analyzing the received data block, comprising verification of the digital signature and comparison of said further data with said first and second identifiers, a device for storing the received data block comprising the digital signature, thereby providing a reference value for use during integrity checking of said software module (Column 2: lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See the notice of reference cited in form PTO-892 for additional prior art

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS ACTION IS MADE FINAL.**   See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784

and fax number is (571) 273-3784. The examiner can normally be reached on 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. G

Techane Gergiso

Patent Examiner

Art Unit 2137

December 29, 2006

EMMANUEL L. MOISE

SUPERVISORY PATENT EXAMINER